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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/435,316

11/04/1999

GARY PARSONS

XM-0015

5074

7590

11/30/2004

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EXAMINER

BAYARD, EMMANUEL

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/435,316

Applicant(s)

PARSONS ET AL.

Examiner

Emmanuel Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17-25 and 27-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17-25 and 27-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to RCE filed on 10/5/04 in which claims 1, 3-15, 17-25 and 27-44 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-15, 17-25 and 27-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timimori U.S. patent NO 6,456,841 B1 in view of Stephens U.S. Patent No 6,424,816 B1.

As per claims 1, 33-34 and 44, Tomimori discloses a receiver comprising: a first means for receiving (see figs. 1-3 element 1 and col.4, lines 29-30) a transmitted signal and providing an instantaneous output signal in response thereto; a second means for storing (see fig. 3 and element 21 and abstract and col.4, lines 47-67) at least a portion of said received signal; third means (see abstract) for providing replay signal; and fourth means (see fig. 3 element 24 and abstract, and col.4, lines 30-39 and col.13, lines 27-43) for selectively outputting said stored portion of said received signal or said instantaneous output signal in response to said replay signal; receiving means, storing means, replay and selection means disposed on a common mobile platform (see figs. 1-3 element 1).

However Timimori does not teach a first means for receiving satellite digital audio radio service signals.

Stephens et al teach a first means for receiving satellite digital audio signals service signal (see col.3, lines 30-40).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Stephens into Timimori as to accurately determine an estimated number of transmission for each different frequency as taught by Stephens (see abstract).

As per claim 3, the receiver of Timimori does include an audio decoder (see col.5, line 11).

As per claim 4, the receiver of Timimori does include a user interface (see abstract).

As per claim 5, the receiver of Timimori does include a system controller (see fig.3 element 24).

As per claims 6 and 35, the mobile terminal of Timimori does include a microprocessor (see col.5, lines 7-10).

As per claims 7 and 36, the receiver of Timimori and Stephens in combination would include software as to initiate or activate the so-called replay function.

As per claims 8-14, and 37-43 the receiver of Timimori and Stephens in combination would include software as to initiate or activate the so-called replay function.

As per claims 15, 25 and 27, Timimori discloses a receiver comprising: a radio frequency tuner and audio decoder for receiving (see figs. 1-3 element 1 and col.4, lines

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29-30 and col.5, line10-13) a transmitted signal and providing an instantaneous output signal in response thereto; a user interface (see abstract) for providing replay signal; means for detecting (see fig.3 element 14 and col.3, lines 55-67) a beginning and an ending of program content provide in said received signal and storing (see fig. 3 and element 21 and abstract and col.4, lines 47-67) said program content in response to said replay ; a system controller including a microprocessor for selectively outputting (see fig.3 element 24 and col.5, lines 7-13) said stored portion of said received signal or said instantaneous output signal in response to said replay signal.

However Timimori does not teach a first means for receiving satellite digital audio radio service signals.

Stephens et al teach a first means for receiving satellite digital audio signals service signal (see col.3, lines 30-40).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Stephens into Timimori as to accurately determine an estimated number of transmission for each different frequency as taught by Stephens (see abstract).

As per claim 17, the receiver of Timimori and Stephens in combination would include software as to initiate or activate the so-called replay function.

As per claims 18-24, the receiver of Timimori and Stephens in combination would include software as to initiate or activate the so-called replay function.

As per claim 27-28, the receiver of Timimori does include a step of causing said receiver to output said stored program content on the detection of said instant replay (see abstract and fig.3 element 14 and col.3, lines 55-67 and col.4, lines 1-67).

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As per claims 29-32, the receiver of Timimori does include a start of selection signal and an end of selection signal (see col.3, lines 55-67 and col.4, lines 1-67).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Briskmann U.S. Patent No 5,592,471 teaches mobile radio receivers.

Patsiokas U.S. Patent no 6,810,233 B2 teaches a system for providing signals from an auxiliary audio source. (*)

Dance et al U.S. 6,385,532 B1 teaches accurate vehicle navigation.

Noreen et al UU Pub No 2002/0183059 A1 teaches an interactive system and method for use with broadcast media.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is 571 272 3016. The examiner can normally be reached on Monday-Friday (3:PM-10:PM)
Alternate Friday off.

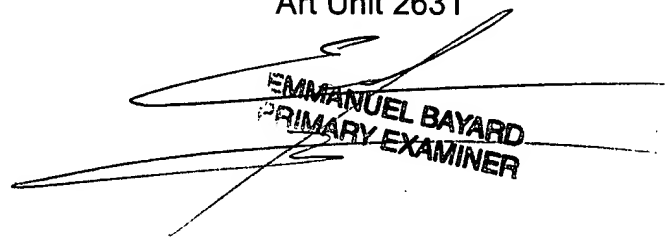
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed Ghayour can be reached on 571 272 3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Bayard
Primary Examiner
Art Unit 2631

11/27/04



EMMANUEL BAYARD
PRIMARY EXAMINER